UNITED
NATIONS

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Distr.
GENERAL

HRI/CORE/1/Add.3/Rev.1
12 December 2000

ENGLISH
Original: SPANISH

CORE DOCUMENT FORMING PART OF THE REPORTS OF STATES PARTIES

VENEZUELA

[3 November 2000]

GE.00-46609 (E)

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I. DEMOGRAPHIC, ECONOMIC AND SOCIAL INDICATORS

A. Demographic and social indicators

1. The estimated population for 2000 is 24,169,744 inhabitants, with a projection for 2035 of 38,192,162 inhabitants. The male population is 12,160,964, with a projection for 2020 of 16,484,159; the female population is 12,008,780, with an estimated projection for 2020 of 16,426,629; the two population groups are thus the same size.[1]

2. The gross mortality rate for 1998 was 4.65 per cent per 1,000 inhabitants, i.e. 3.80 per cent for females and 5.48 per cent for males. The estimated gross neonatal and postnatal mortality rate for 1998 is divided into observed and corrected rates; the observed neonatal rate was 11.64 per cent and the observed postnatal rate, 8.03 per cent, while the corrected neonatal mortality rate was 12.09 per cent and the corrected postnatal rate was 8.35 per cent.[2]

3. A high life expectancy index of 72.80 years for both sexes (75.74 years for women and 69.96 years for men) was observed for 1998 and the 1998 corrected fertility rate per 1,000 women remained stable at 2.93 per cent.[3]

4. One of the main features of Venezuela's population is its youth; its structure is analysed in the following table:

Age	Number of inhabitants
0/14	8 226 951
15/34	6 30 224
35/64	5 336 223
65 and over	1 075 386

5. Population density shows a rising trend and stands at 26.37 persons per km^2, with a population density projection of 37.95 persons per km^2 for 2025. The growth rate stands at 19.343439 per cent, with a rate of 19.135434 per cent for men and 19.155107 per cent for women.

6. There is an imbalance between the urban and the rural populations. The urban population stands at 21,552,451 inhabitants, with a projection for 2035 of 36,207,668 inhabitants. The rural population stands at 3,114,499 inhabitants, with a projection of 2035 of 1,984,494. This uneven geographical concentration of the population is related to industrial development and the population centres near such areas, which have been going through a process of headlong urbanization.[4]

7. International migration has also played a part in the dynamism of Venezuela's population. Its influence has been determined by the economic and social situation, nationally and internationally. Since 1970, there have been major migratory flows into Venezuela, particularly of persons from Latin America and more especially from neighbouring countries. The table below shows the migratory movements of aliens by type of visa and departures from ports, airports and border posts:[5]

Migratory movements of aliens in 1998
Type of visa

	Diplomatic	Temporary	Transit	Tourist	Resident	Others	Total
Entry	35	25 504	3 925	384 665	57 893	13 584	485 606
Departure	5	38 372	4 435	589 766	103 657	16 491	752 726

8. Lastly, the rate of illiteracy in Venezuela from age 5 upwards is 6.9 per cent,[6] i.e. a total of 1,667,712 inhabitants.

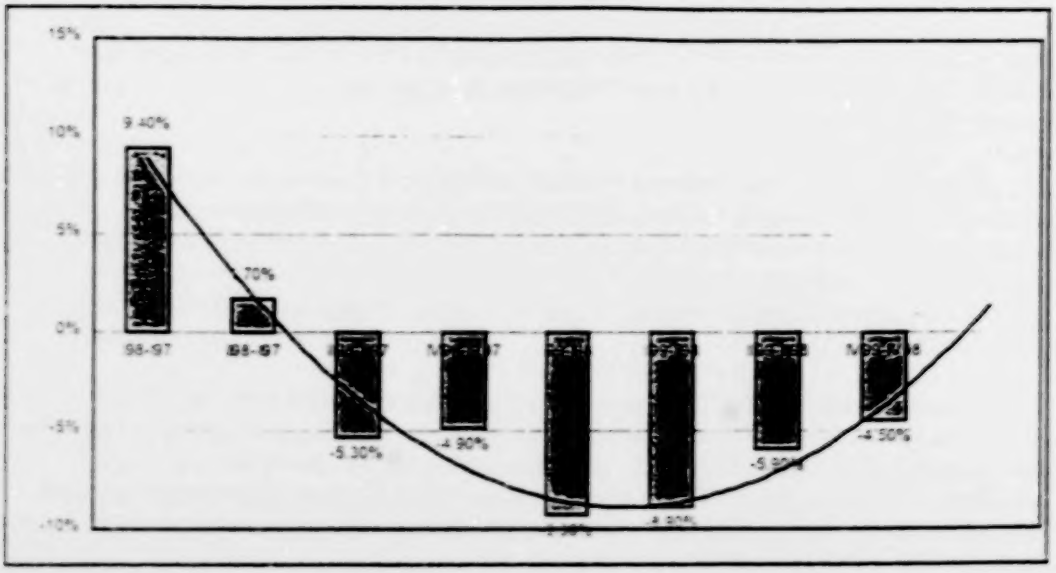
B. Economic indicators

9. In early 1999 the Venezuelan economy showed a downturn which had begun in the third quarter of 1998 and was caused by a drop in public spending as a result of the collapse of oil prices and the negative expectations of economic agents in the face of political and institutional change.

10. The result of this process was that, in the first half of 1999, gross domestic product (GDP) fell by 9.1 per cent compared with the first half of the previous year, while, in the second half, the sharp drop in economic activity tended to level off and the decrease in GDP stood at 5.2 per cent; this was the effect of a less intense contraction of domestic aggregate demand compared with the second half of the previous year. This change can be seen in the following table:[7]

CHANGE IN REAL QUARTERLY GROSS DOMESTIC PRODUCT

(Compared with the same period of the previous year)

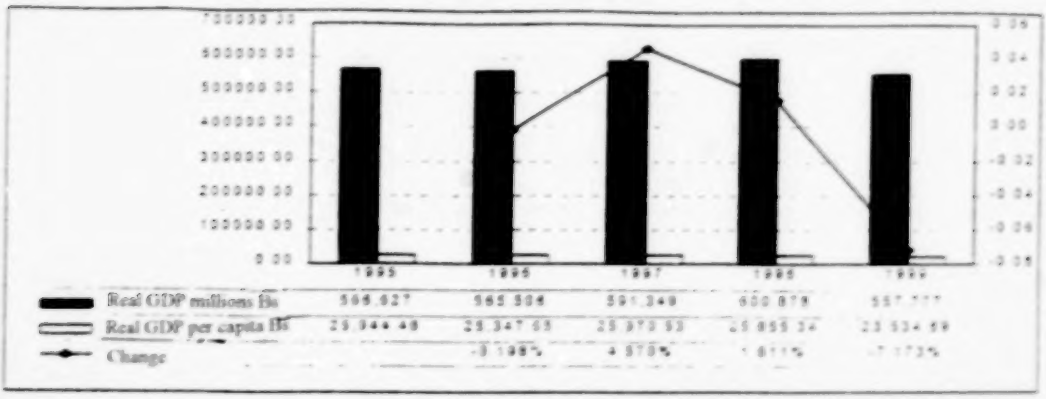


11. Economic activity in 1999 in fact showed a drop in GDP, which the Central Bank of Venezuela estimated at 7.2 per cent (see next table)[8] as a result of the 6.8 per cent decline in the oil sector and the 6.9 per cent decline in non-oil goods and services productive activities.

12. In 2000, the National Executive introduced the Economic Transition Programme for 2000, which harmonizes the objectives of economic recovery and the consolidation of macroeconomic stability by implementing moderate growth policies and maintaining a downward trend in inflation (see figure A). The Programme's economic strategy stresses policies aimed at increasing supply and private investment, primarily through tax incentives and public investment in infrastructure, as well as legal reforms designed to establish a stable macroeconomic environment and an institutional framework that will promote economic activity.

13. In order to achieve the goal of sustainable, low-inflation economic growth, the Government is paying particular attention to the recovery of total gross fixed investment in order to halt the deterioration and obsolescence of the domestic productive base and start a vigorous process of capital stock growth, supported by private initiative and State investments in the health, education, housing and production support infrastructure sectors, particularly in areas of economic deconcentration.

REAL ANNUAL GROSS DOMESTIC PRODUCT



14. In order to achieve growth with macroeconomic stability, the Government has drawn up two basic policies. The first is aimed at correcting the procyclical bias of fiscal policy by programming public finances over a period of several years and increasing savings during the oil-boom phase in order to deal adequately with dips in the cycle. The Macroeconomic Stabilization Investment Fund will play a key role in the implementation of this policy. The second policy is aimed at significantly improving machinery for the coordination of the use of the macroeconomic policy's fiscal, monetary and exchange instruments in order to make it consistent and efficient in achieving the goals set.

15. Monetary policy focuses on preserving monetary balance in the context of the recovery of demand for money as a natural result of economic growth and the reduction of inflation.

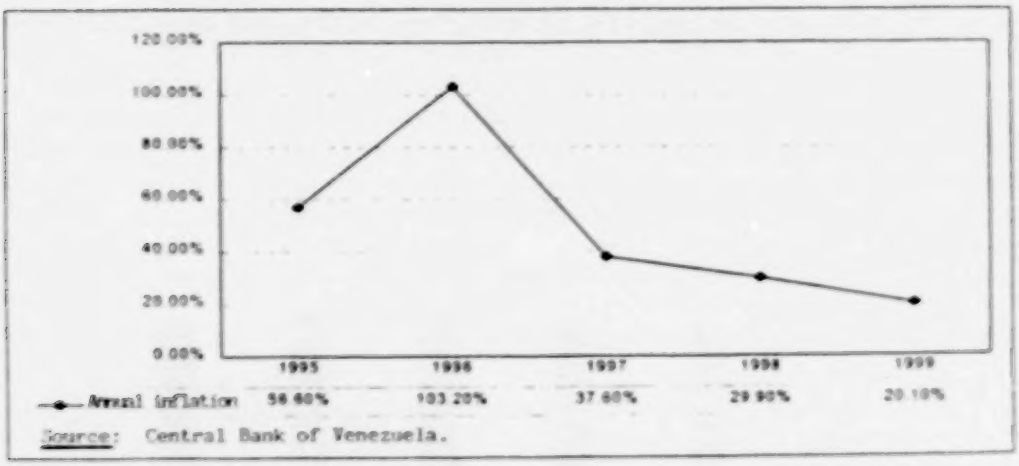
16. Exchange policy is directed at ensuring exchange rate stability by applying the band system, giving priority to the short-term anti-inflation objective and preserving the external balance (see figure B).

17. In April 2000, international oil prices fell sharply, primarily as a result of the decisions taken by the Organization of Petroleum Exporting Countries (OPEC) at its most recent meeting in Vienna in late March 2000 (see figure C).

Figure A

Annual inflation

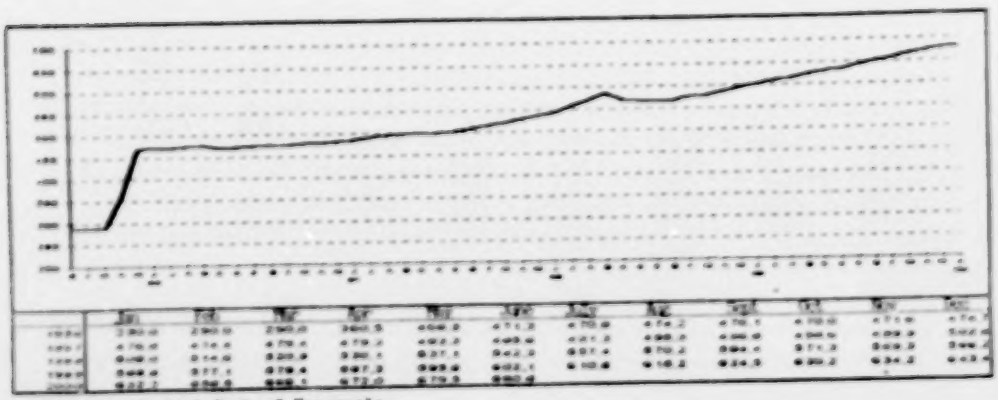
(percentage, base year 1984)



Source: Central Bank of Venezuela.

Figure B

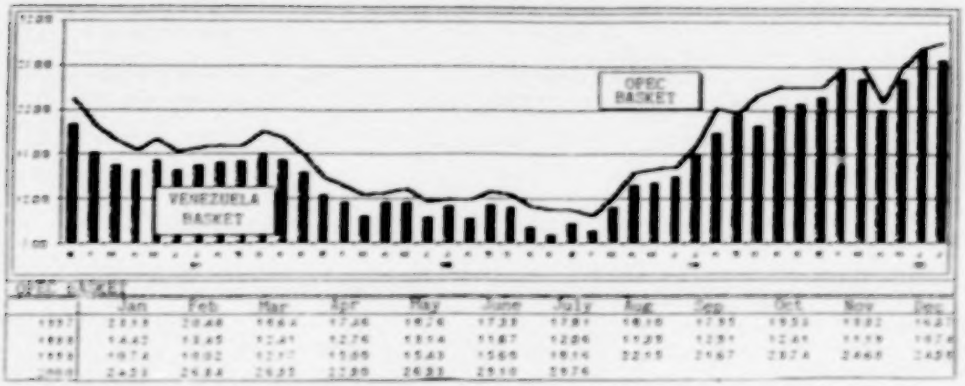
Nominal exchange rate
(Bs/US$)



Source: Central Bank of Venezuela.

Figure C

Oil market: average price per barrel of oil
(US$/barrel)

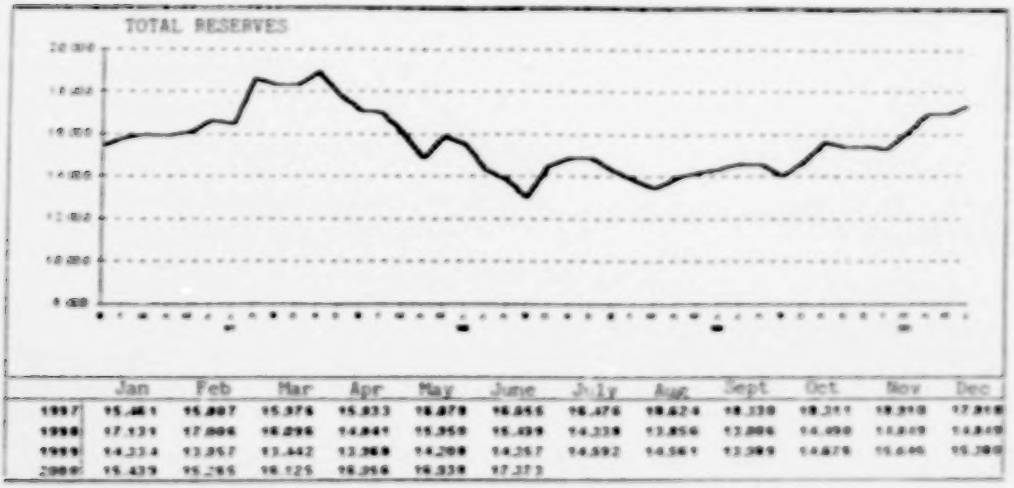


Source: Ministry of Energy and Mines. Note: Average on 17 June.

18. The maintenance of the price of the Venezuelan oil basket above US$ 20 per barrel, the lack of significant external public debt payments and the revival of the productive base worked in favour of the recovery of the international reserves of the Central Bank of Venezuela (see figure D).

Figure D

International reserves
(millions of US$)



	Jan	Feb	Mar	Apr	May	June	July	Aug.	Sept	Oct	Nov	Dec
1997	15.481	15.807	15.976	15.933	16.879	16.055	16.476	16.624	16.330	16.211	16.910	17.016
1998	17.131	17.006	16.096	14.841	15.959	15.439	14.338	13.856	13.806	14.090	13.819	14.819
1999	14.334	13.957	13.442	13.369	14.208	14.257	14.592	14.561	13.589	14.679	15.646	15.380
2000	15.439	15.765	16.125	16.359	16.539	17.373						

Source: Central Bank of Venezuela.
Note: The figures include US$ 2,275 million belonging to FIEM* at the end of June.
* FIEM: Macroeconomic Stabilization Investment Fund.

19. Despite this decline, the average price of the Venezuelan oil basket for the year is higher than the average quotation for 1999 and the price used to prepare the fiscal budget for 2000 (US$ 15.0/barrel). Of course, the sustained rise in oil prices during the first three months of the year above US$ 20/barrel has created a substantial flow of earnings in bolivares to the Treasury and in dollars to the Macroeconomic Stabilization Investment Fund.

20. Some additional indicators show that gross domestic product at constant prices for the year ending 31 December 1999 was Bs 557,777 million, i.e. economic activity worth Bs 155,670 million in oil activities, Bs 389,296 million in non-oil activities and Bs 12,811 million from import duties.[9]

21. Under non-oil activities, GDP for 1999 can be broken down as follows:[10]

Type of economic activity	GDP Millions of bolivares
Agriculture	27 789
Mining	4 576
Manufacturing	79 086
Electricity and water	10 708
Construction	28 996
Trade	41 841
Restaurants and hotels	14 630
Transport, storage and communications	33 562
Financial institutions and insurance	6 413
Immovable property	46 077
Services to enterprises	16 425
Community, social and personal services and non profit-making private services	38 541
General Government service producers	44 615
Less: imputed bank services	3 963
Total	389 296

22. Changes in GDP performance in the first quarter of 1999 for its part were as follows:[11]

Total GDP and GDP by branch of economic activity

(First quarter 2000 change)

Total	0.3
Oil activity	-2.0
Non-oil activity	0.9
Mining	-3.0
Manufacturing	1.4
Electricity and water	0.9
Construction	-16.5
Trade	4.5
Transport and storage	2.1

Communications	20.8
Financial establishments and insurance	-6.6
Immovable property and services to enterprises	0.8
Community, social and personal services and non-profit making private products and services	-0.3
General Government products and services	
Remainder*	3.5
Less: services imputed to financial institutions	-1.0
Import duties	-9.5
	11.4

* Includes: private agriculture, restaurants and hotels and miscellaneous public activities.

23. Non-traditional exports amount to US$ 4,111 billion. Venezuela's exports for the period January-June 2000 showed an increase of 27.3 per cent compared with figures for the same period in 1999. Private sector exports, at US$ 1,756 million, accounted for 76.5 per cent, while public sector exports accounted for the rest (23.5 per cent) and amounted to US$ 482 million. As in 1999, the common metals sector accounted for the largest share of exports (40.8 per cent), followed in order by chemicals (13.1 per cent). The mineral products sector showed an increase of 171.6 per cent over the amount of the previous year as a result of the export of crude oils, other hydraulic cements and blast furnace cement, which accounted for US$ 188 million in the period under review.

24. There was an increase of 32.0 per cent in the electricity sector compared with 1999. Taking the movement of exports by country of destination, the United States is the leading country with a 4.6 per cent increase in its share over 1999. Exports to Colombia show a decrease of 1.8 per cent in the percentage share. The United Kingdom increased its share by 93.8 per cent compared with the previous period as a result of an increase in sales of bituminous coal and non-alloyed aluminium, exports of which went from US$ 5 million in 1999 to US$ 20 million in the first half of 2000. There was a similar increase in the case of the Netherlands, whose share amounted to US$ 16 million in the first half of 1999 and US$ 59 million in the first half of 2000 (the products in question were frozen juice, bituminous coal and aluminium).

25. There was an increase of 90.6 per cent in Venezuela's exports to Ecuador compared with the previous period as a result of the growth of sales of chemicals, aluminium and vehicles. Exports of bituminous coal, chemicals and cellulose products to Brazil also increased from US$ 15 million in 1999 to US$ 31 million in the first half of 2000.

26. The largest movement of exports in the period January-June 2000 took place at the Puerto Ordaz customs post, which accounted for 32.2 per cent, followed by Puerto Cabello with 27.5 per cent. The Guanta customs post saw an increase of 4.1 per cent in its percentage structure and San Antonio, an increase of 1.4 per cent during the same period in 1999. Venezuela's exports for January-June 2000 recorded a 27.3 per cent increase over the figures for the same period in 1999.

27. Imports account for a total of US$ 13,435 billion. Venezuela's imports for the period January-May 2000 reached a total of US$ 5,767 million, an increase of 26.8 per cent compared

with the figures for the same period in 1999. Private sector imports accounted for 92.3 per cent and stood at US$ 5,323 million, while public sector imports amounted to US$ 444 million, or 7.7 per cent of total imports.

28. The sector with the largest share of imports in 2000, as in 1999, is the electrical equipment sector, which accounts for 34.0 per cent of total imports by economic sector, followed by chemicals, which increased by 39.2 per cent, and transport equipment, with a 35.6 per cent increase compared with the amount recorded in the same period in 1999. The items most imported in May compared with April include: powdered milk, apples, wheat, unprocessed oil, whisky, fish meal, bituminous oils, chemicals, cotton and appliances and machinery, with an increase of US$ 123 million in May compared with April (US$ 269.5 million and US$ 147.3 million, respectively).

29. Taking imports by country of origin for the period January-May 2000, the United States accounts for the largest volume in millions of dollars, representing 39.6 per cent of the total value of imports, followed by Colombia, Brazil, Italy, Mexico, Germany, Japan and France, whose combined share accounts for 30.1 per cent.

30. It should be mentioned that the Puerto Cabello customs post has the largest movement of imports, accounting for 37.4 per cent of the total, compared with Venezuela's main customs posts including La Guaira (26.1 per cent), Guanta (14.5 per cent), Maracaibo (7.1 per cent) and Ciudad Bolivar (4.1 per cent).

31. Up to July 2000, Venezuela shows an accumulated rate of inflation of 7.9 per cent,[12] which falls within the 15 per cent specific target figure for inflation at the end of the year, averaged at 17 per cent,[13] while the average Bs/US$ exchange rate is expected to be 690.[14] Unemployment for the second half of 1999 was 14.5 per cent. The economically active population for the same period numbered 10,225,014 inhabitants.[15] The external debt for the second half of 2000 amounts to US$ 22,725 billion.[16]

32. Earnings from oil activity for 1998 amounted to Bs 2,448,492 billion, thus accounting for a total of 29.8 per cent of ordinary fiscal revenue.[17] For 1999, nominal per capita income was Bs 2,611,378, while real per capita income for the same year was Bs 23,524.[18]

II. GENERAL POLITICAL STRUCTURE

A. Historical summary

33. The process of Venezuela's formation as an independent State began with two interrelated events: the incidents of 19 April 1810, when colonial ties were broken off with the metropolitan country, Spain; and the Declaration of Independence by the 1811 Congress on 5 July 1811. The period between 19 April 1810 and late July 1812 was known as the First Republic, which ended when the republican territory was reconquered by Spanish forces and which was re-established in August 1813 by Simón Bolívar when he entered Caracas as the victor following the Admirable Campaign.

34. The period from August 1813 to December 1814 was known as the Second Republic, which ended with the events that went from the Oriente Emigration in mid-1814 until the battles of Urica and Maturín in December 1814. The Third Republic covered the period from 1817 to 1819, during which Bolívar and the other patriotic authorities referred officially to the Republic of Venezuela.

35. From 1819 until January 1830, Venezuela was part of Gran Colombia, which also consisted of what are now the Republics of Colombia, Panama and Ecuador. Venezuela recovered its status as an independent nation when it separated from Gran Colombia, an event known as La Cosiata. General José Antonio Páez was named President by the Congress of Valencia and, in his capacity as President, General-in-Chief and private individual, he was the depositary of national power until 1848. He did not act despotically, however, but respected institutions, freedom of opinion and the separation of powers.

36. Elections were held in 1834 and, at the beginning of the following year, the presidency was assumed by José María Vargas, who was overthrown a few months later by a military uprising (Revolution of the Reforms) and expelled from the country. Páez overthrew the reformists in 1836 and put Vargas back in power, but he resigned shortly thereafter. Following an interim period, Páez became President again (1839-1843) and was succeeded by General Carlos Soublette, who governed until early 1847.

37. During the period starting in 1830, a new central-federal Constitution was adopted (1830) and it remained in force for 27 years; several rebellions by regional political bosses were put down (1831, 1837); the precedence of the State over the Church was affirmed in constitutional matters (1830); freedom of worship (1833) and freedom to conclude contracts (1834) were established; and the Military Academy (1830), the National Library (1833) and the National Bank (1841) were set up. The Treaty of Peace with Spain was signed in 1845. A serious economic crisis which was the result of the fall in coffee prices on world markets led to the establishment of a strong opposition that joined forces in the Liberal Party founded in 1840.

38. During the 1846 elections, General José Tadeo Monagas was elected President, but, although he had Páez' backing, he turned against Páez and his conservative supporters, who formed the majority in the Congress. The Congress was stormed by a crowd on 24 January 1848 and Monagas' will prevailed with the support of the liberals. Then began a military regime with populist overtones that lasted slightly more than a decade. One of its characteristics was nepotism, since José Tadeo Monagas was succeeded as President (1851) by his brother, José Gregorio, who handed power back to José Tadeo (1855). Congress functioned as it should, but under the strict supervision of the executive. In March 1854, José Gregorio Monagas declared slavery abolished.

39. In 1857, José Tadeo Monagas sought to keep himself in power by amending the Constitution, but a movement of repudiation led by General Julián Castro ended the Monagas dynasty (March 1858). A national convention was held in Valencia for the purpose of reorganizing the Government, but the Constitution that was adopted did not satisfy the supporters of the federal system, who revolted on 20 February 1859. This was the beginning of the so-called "Federalist War", which devastated the country for over four years. Several presidents succeeded one another at the head of the central Government, until Páez proclaimed

himself dictator (1861). The war finally degenerated into a bloody guerrilla battle that made the dictator's position untenable. The Treaty of Coche, signed in 1863, put an end to the conflict with the victory of the federalists led by General Falcón, who enacted a decree containing guarantees.

40. The Constitution of the United States of Venezuela was adopted in 1864. Despite loans received from abroad and the discovery of gold in Guyana, the new President and his associates were unable to put order into the political, economic and administrative chaos caused by the war, which nevertheless highlighted the egalitarian nature of the Venezuelan community by breaking down the last barriers of compartmentalized colonial society. Anarchy and factionalism drove Falcón out of power and led to the "Blue Revolution" in 1868, when the former leader, José Tadeo Monagas, took power again.

41. A movement led by Antonio Guzmán Blanco took Caracas by storm in 1870. Guzmán exercised power until 1888, either directly or through supporters such as Joaquín Crespo (1884-1886) and Hermógenes López (1887-1888). The period from 1888 to 1898 was known as "Guzmanism without Guzmán". His influence waned when power was assumed by President Juan Pablo Rojas Paúl (1888-1890), whose public-spiritedness encouraged the free play of political ideas but instability and factionalism predominated during the next few years, with Raimundo Andueza Palacios (1890-1892), Joaquín Crespo (1892-1898) and Ignacia Andrade (1898-1899). In 1897, a rigged arbitral award deprived Venezuela of the territory of Essequibo in Guyana, which was added to the dominions of the British Empire. The presidential elections held in that year were won by Ignacio Andrade. The traditional political parties that had emerged in the nineteenth century died out at the end of the century.

42. Crespo's death was turned to excellent advantage by Cipriano Castro, who forced his way through to Caracas at the head of a small army. Though Castro spoke of new men, new ideals and new ways of doing things, his regime had all the characteristics of a personality cult. Juan Vicente Gómez, was also from Táchira, led the regime's armed wing. Castro stood up forcefully in 1903 to the maritime blockade imposed on Venezuela by various European powers to force it to pay its external debt. The mediation of the United States in the conflict marked the beginning of the decline of European influence and the strengthening of that of the United States.

43. In late 1908, when Castro, who was ill, was travelling to Europe for an operation, Vice-President Gómez led a coup d'état and took power. Gómez exercised absolute power, either directly or through intermediaries, until his death in 1935. He ruled the country with an iron hand, as though it were an enormous country estate, and he had no hesitation in keeping the juiciest prizes for himself and his friends. He advocated "order, peace and work", but persecuted, banished and jailed anyone who lost his favour. All political activity and all freedom of expression were prohibited. It was a suffocating peace during which the remains of the anarchical political boss system, the corrupt political parties and the endemic civil wars of the nineteenth century died out, together with public freedoms.

44. In 1928, a rebellion of workers, intellectuals, students and some members of the military broke out in Caracas against the Gómez regime. It was an unsuccessful attempt, like others made from abroad by political exiles in 1929 and later years. This started the "generation of 28", which was of such great importance in Venezuelan public life 20 years later. In the 1920s, there

was an extraordinary increase in Venezuelan oil production (which benefited the English, Dutch and North Americans), so much so that, in 1930, Venezuela occupied second place among the producer countries and became basically a mining country.

45. When Gómez died, power was assumed by his Minister of War, General Eleazar López Contreras, who gradually led the country towards a regime of greater freedoms. During López Contreras' term of office (1935-1941) and that of his successor, Isaías Medina Angarita (1941-1945), spectacular progress was made in improving public health and sanitation and political liberalization was considerable. With the establishment of freedom of the press, freedom of association and freedom of opinion, many newspapers came out, trade unions were established and modern political parties were founded. The Labour Act was promulgated in 1936, the Central Bank of Venezuela was founded in 1939, social security was instituted in 1940 and income tax in 1942. In 1943, a new Hydrocarbons Act was adopted, giving the State fuller participation in oil production. From 1945 to 1948, a number of tax reforms increased the State's share of oil revenue by up to 50 per cent.

46. A revolt by civilians and members of the military overthrew President Medina Angarita in October 1945. The Government Junta headed by Rómulo Betancourt, the Democratic Action leader, called elections. The party's candidate, the teacher and writer, Rómulo Gallegos, was elected President in late 1947 and was deposed by the armed forces in November 1948. The leader of the military Junta which took power was Carlos Delgado Chalbaud, who was assassinated two years later. The Junta called elections in 1952 and they were won by the opposition. Marcos Pérez Jiménez, who had been a prominent figure since the October 1945 movement, ignored the results of the elections and took power, claiming that he was acting on behalf of the armed forces.

47. Marcos Pérez Jiménez was overthrown in 1958 by a military and popular movement and power was assumed by a Government Junta presided over successively by Vice-Admiral Wolfgang Larrazábal and Dr. Edgar Sanabria. The Venezuelan democratic era began at that time and is still continuing. The Government Junta called elections, which were won by Rómulo Betancourt, the Democratic Action leader. Betancourt served as constitutional President from 1959 to 1964 in difficult political, economic and social circumstances, but he managed to strengthen democracy. From 1964 to 1969, the office of President was held by his fellow party member, Raúl Leoni, who was also elected in free elections and handed over the office in 1969 to the winning candidate of the main opposition party (the Social Christian COPEI), Rafael Caldera, whose term of office ended in 1973. His Government based its policy of industrialization on a foundation of internal peace, reflected in the elimination of the guerrilla movements through the peace process.

48. In the presidential elections held in 1973, Carlos Andrés Pérez, the Democratic Action candidate, was elected President for the period 1974-1979. The elections were held at the time of the new Venezuelan oil boom, which was the result of the boycott by the Arab countries. Immediately after taking power (March 1974), the new President announced that he intended to nationalize the oil companies and the iron ore mining companies and he did so in 1975. The new oil earnings enabled President Pérez to launch an ambitious economic plan for the industrialization of the country.

49. In 1978, the COPEI candidate, Luis Herrera Campins, won the presidential elections and took office in March 1979. In the context of a serious economic and social crisis characterized by the country's heavy indebtedness and high unemployment figures, the Democratic Action candidate, Jaime Lusinchi, won easily in the 1983 elections and took office as President in February 1984. During the 1988 elections in Venezuela, the winner was the government candidate and former President, Carlos Andrés Pérez. His term of office was constitutionally ended in 1993. The Congress appointed Ramon José Velázquez as interim President; his term ended in December 1993. The former President, Rafael Caldera, stood in the December 1994 presidential elections and was successful.

50. In the most recent presidential elections in December 1998, Lieutenant-Colonel Hugo Rafael Chávez Frías, who had attempted a coup d'état in 1992, was unanimously elected President. In the period of government to date, impetus has been given to far-reaching political, economic and social changes, brought about in particular by a National Constituent Assembly. A new Constitution entered into force in December 1999, and the Fifth Bolivarian Republic of Venezuela was thus established.

B. Type of Government

51. In accordance with the Constitution of Venezuela, adopted in December 1999, "Venezuela is established as a democratic and social State subject to the rule of law and justice; as the higher values of its legal system and its activity, it advocates life, liberty, justice, equality, solidarity, democracy, social responsibility and, in general, the pre-eminence of human rights, ethics and political pluralism."[19]

52. Government authority is divided up into municipal, State and national authority. National government authority is divided among the legislative, executive, judicial and citizen and electoral branches.[20]

53. The national executive branch is headed by the President of the Republic, the Executive Vice-President of the Republic and the Ministers and other officials determined by the Constitution and the laws.[21]

54. Legislative authority is exercised by the National Assembly, which is composed of a single Chamber of Deputies. The deputies are elected in each federal district by universal, direct, personal and secret ballot, with proportional representation, according to a population based of 1.1 per cent of the total population of Venezuela.[22]

55. The judicial branch is composed of the Supreme Court and other courts which the law may establish, the Public Prosecutor's Office, the Ombudsman's Office, criminal investigation bodies, court officers and officials, alternative means of justice, citizens who take part in the administration of justice in accordance with the law and lawyers authorized to practise.[23]

56. The authority of the citizen branch is exercised by the Republican Moral Council, which is composed of the Ombudsman, the Public Prosecutor and the Comptroller-General of the Republic,[24] one of whom is appointed by the Republican Moral Council.

57. The authority of the electoral branch is exercised by the National Electoral Council, as governing body, and the National Electoral Board, the Civil and Electoral Register Commission and the Political Participation and Finance Commission, as subordinate bodies.[25]

58. The executive branch is headed by the President of the Republic, the Executive Vice-President and the Cabinet ministers, as well as officials determined by the Constitution.

C. The executive branch

1. The President of the Republic

59. The President of the Republic is Head of State and of the national executive and, as such, conducts Government activity.

60. The person elected as President of the Republic must be Venezuelan by birth, have no other nationality, be over 30 years of age and a layman, must not have been convicted by means of a final judgement and must comply with the other requirements provided for in the Constitution.

61. The President shall be elected by universal, direct and secret ballot, in accordance with the law. The candidate who receives the majority of valid votes will be elected.

62. No person holding the post of Executive Vice-President, Minister, Governor or Mayor, on the day when his candidature is submitted or at any time between that date and the election, may be elected President of the Republic.

63. The presidential term of office is six years. The President of the Republic may be re-elected immediately for one further term of office.

64. The candidate elected assumes office as President of the Republic on 10 January of the first year of his constitutional term of office and is sworn in before the National Assembly.

65. The President of the Republic is responsible for his acts and for fulfilling the obligations inherent in his office. He is required to safeguard the rights and freedoms of Venezuelans and the independence, integrity, territorial sovereignty and defence of the Republic.[26]

66. The functions of the President are:

(a) To comply and ensure compliance with the Constitution and the law;

(b) To conduct Government activity;

(c) To appoint and dismiss the Executive Vice-President and to appoint and dismiss ministers;

(d) To conduct Venezuela's foreign affairs and conclude and ratify international treaties, conventions and agreements;

(e) To lead the armed forces in his capacity as Commander-in-Chief, exercising supreme authority over them and determining their size;

(f) To act as Commander-in-Chief of the armed forces, promote officers above the rank of colonel or captain (naval) and appoint them to posts at his discretion;

(g) To declare states of emergency and decree any restriction or suspension of guarantees in the cases provided for by the Constitution;

(h) To issue law-ranking decrees, with prior authorization by an empowering statute;

(i) To convene the National Assembly for special sessions;

(j) To regulate the laws, wholly or partially, without changing their spirit, purpose or reason;

(k) To administer public finances;

(l) To negotiate national loans;

(m) To order additional budget allocations, with the authorization of the National Assembly or the Delegate Committee;

(n) To enter into national contracts, in accordance with the Constitution and the law;

(o) To appoint the Attorney-General of the Republic and the heads of permanent diplomatic missions with the prior authorization of the Senate or the Delegate Committee;

(p) To appoint and dismiss officials whose appointment is entrusted to him by the Constitution and the law;

(q) To address special reports or messages to Congress, either in person or through the Executive Vice-President;

(r) To formulate the National Development Plan and monitor its implementation, with the prior authorization of the National Assembly;

(s) To grant pardons;

(t) To establish the number, organization and jurisdiction of ministries and other national public administration bodies and the organization and operation of the Council of Ministers, in accordance with the principles and guidelines embodied in the relevant organization act;

(u) To dissolve the National Assembly, as provided for in the Constitution;

(v) To call for referendums in the cases for which the Constitution provides;

(w) To convene and preside over the National Defence Council;

(x) All other functions provided for in the Constitution and the laws.[27]

2. The Executive Vice-President

67. The Executive Vice-President is the direct and immediate associate of the President of the Republic in his capacity as head of the national executive. The Executive Vice-President has to meet the same requirements as the President of the Republic and cannot be related to him by blood or marriage.[28]

68. The functions of the Executive Vice-President are:

(a) To collaborate with the President of the Republic in conducting Government activity;

(b) To coordinate the national public administration in accordance with the instructions of the President of the Republic;

(c) To propose the appointment and dismissal of ministers to the President of the Republic;

(d) To preside over the Council of Ministers with the authorization of the President of the Republic;

(e) To coordinate relations between the national executive and the National Assembly;

(f) To preside over the Government's Federal Council;

(g) To appoint and dismiss, in accordance with the law, national officials whose appointment is not assigned to another authority;

(h) To replace the President of the Republic during temporary absences;

(i) To perform the duties delegated to him by the President of the Republic;

(j) The other functions provided for in the Constitution and the laws.[29]

3. The Ministers

69. The Ministers come directly under the President of the Republic and, together with him and the Executive Vice-President, form the Council of Ministers.

70. The meetings of the Council of Ministers are presided over by the President of the Republic or, in his absence, by the Executive Vice-President. In the latter case, the decisions taken must be approved by the President of the Republic.

71. The Executive Vice-President and the Ministers present are jointly responsible for the decisions of the Council of Ministers, except those they voted against.[30]

72. A Minister must have Venezuelan nationality and be over 25 years of age, except as otherwise provided in the Constitution.

73. Ministers are responsible for their acts, in accordance with the Constitution and the law, and, in the first 60 days of each year, must submit a full and substantiated report to the National Assembly on the management of their Ministries during the previous year, in accordance with the law.

74. Ministers have the right to speak in the National Assembly and its Committees. They may take part in National Assembly debates, but without the right to vote.[31]

75. The Ministries of the Republic of Venezuela are the following:

Ministry of the Interior and Justice;

Ministry of Foreign Affairs;

Ministry of Finance;

Ministry of Defence;

Ministry of Production and Trade;

Ministry of Education, Culture and Sport;

Ministry of Health and Social Development;

Ministry of Labour;

Ministry of the Infrastructure;

Ministry of Energy and Mines;

Ministry of the Environment and Natural Resources;

Ministry of Planning and Development;

Ministry of Science and Technology;

Cabinet Office.

4. The Office of the Attorney-General of the Republic

76. The Office of the Attorney-General of the Republic advises on, defends and represents, judicially and extrajudicially, the patrimonial interests of the Republic and is consulted for the approval of contracts in the national public interest.

77. The Office of the Attorney-General is the responsibility of the Attorney-General of the Republic, with the collaboration of such other officials as its organization act may determine.

78. The Attorney-General of the Republic must meet the same requirements as a Supreme Court judge. He is appointed by the President with the authorization of the National Assembly and may attend the meetings of the Council of Ministers, with the right to vote.[32]

5. The State Council

79. The State Council is the high-level advisory body of the Government and the national public administration. Its responsibility is to recommend national policies on matters which the President of the Republic considers to be of particular importance and on which he requires its opinion. The relevant Act determines its functions and duties.

80. The State Council is presided over by the Executive Vice-President and, in addition to five persons appointed by the President of the Republic, is composed of a representative appointed by the National Assembly, a representative appointed by the Supreme Court and a Governor appointed by the group of State representatives.[33]

Article 252 of the Constitution of Venezuela

> Article 252: The State Council is presided over by the Executive Vice-President and, in addition to five persons appointed by the President of the Republic, a representative appointed by the National Assembly, a representative appointed by the Supreme Court and a Governor appointed by the group of State representatives.

D. The legislative branch

81. National legislative power is exercised by the National Assembly, which is made up of deputies elected in each federal district by universal, direct, personal and secret ballot, with proportional representation, according to a population base of 1.1 per cent of Venezuela's total population. Each federal district also elects three deputies. The indigenous people of the Republic of Venezuela elect three deputies in accordance with the Electoral Act and in keeping with their traditions and customs.

82. At present, there are 165 deputies in the National Assembly, 149 of whom are men (88.84 per cent) and 16 are women (9.69 per cent). The Ordinary Committee on Legislation and 15 standing working committees are also in operation:

> Standing Committee on Domestic Policy, Justice, Human Rights and Constitutional Guarantees;

The Standing Committee on Foreign Policy;

The Standing Treasury Inspection Committee;

The Standing Finance Committee;

The Standing Committee on Energy and Mines;

The Standing Committee on Defence and Security;

The Standing Committee on Integrated Social Development;

The Standing Committee on Education, Culture, Sports and Recreation;

The Standing Committee on the Environment, Natural Resources and Land Management;

The Standing Committee on Indigenous Peoples;

The Standing Committee on Citizen Participation, Decentralization and Regional Development;

The Standing Committee on Science, Technology and Social Communication;

The Standing Committee on Economic Development;

The Standing Committee on the Family, Women and Young People;

The Standing Committee on Administration and Public Services.

83. The National Assembly has the following functions:

(a) To legislate on national issues and the functioning of the various branches of national power;

(b) To propose amendments and reforms to the Constitution, as provided for therein;

(c) To monitor the Government and the national public administration, as provided for in the Constitution and the law; the evidence obtained in the exercise of this duty has probative value under the conditions laid down by law;

(d) To organize and promote citizen participation in matters within its jurisdiction;

(e) To issue general pardons;

(f) To debate and adopt the national budget and any bill on the system of taxation and public funding;

(g) To authorize additional budget allocations;

(h) To approve the general outline of the national economic and social development plan, which the Executive submits in the third quarter of the first year of every constitutional period;

(i) To authorize the Executive to conclude national contracts in cases provided for by law; to authorize municipal, State and national public contracts with foreign States or official bodies or companies not registered in Venezuela;

(j) To take a vote of censure against the Executive Vice-President and the ministers. The censure motion may be debated only two days after its submission to the Assembly, which may decide, by a majority of three fifths of the deputies, that the vote of censure means the removal from office of the Executive Vice-President or the minister concerned;

(k) To authorize the deployment of Venezuelan military missions abroad or foreign missions in Venezuela;

(l) To authorize the Executive to alienate property in the private domain of the Nation, with such exceptions as may be provided for by law;

(m) To authorize the acceptance by public officials of posts, honours or recompense from foreign Governments;

(n) To authorize the appointment of the Attorney-General of the Republic and the heads of permanent diplomatic missions;

(o) To award the honours of the National Pantheon to illustrious Venezuelans for outstanding services to the Republic, 25 years after their death; such a decision may be taken by the President of the Republic, two thirds of State Governors and the rectors of the national universities in plenary;

(p) To protect the interests and independence of the States;

(q) To authorize the President of the Republic to leave the national territory for more than five consecutive days;

(r) To adopt by law international treaties or conventions concluded by the National Executive, except as provided for in the Constitution;

(s) To enact its regulations and enforce the penalties provided for in them;

(t) To register its members and consider their resignation; the temporary separation of a deputy may be approved only by a vote of two thirds of the deputies present;

(u) To organize its internal security service;

(v) To approve and implement its budget, bearing in mind the country's financial restrictions;

(w) To implement decisions relating to its functioning and administrative organization;[34]

(x) All other functions provided for in the Constitution and the laws.

84. The National Assembly appoints standing, ordinary and ad hoc committees. The standing committees, of which there are no more than 15, deal with sectors of national activity. The National Assembly may also establish temporary research and study committees, in accordance with its regulations. It may establish or abolish standing committees by a two-thirds vote of its members.[35]

85. The Delegate Committee, composed of the President, the Vice-Presidents and the Presidents of the Standing Committees, is in operation during the Assembly's recess. The functions of the Delegate Committee are the following:

(a) To convene special sessions of the National Assembly, when a matter is of such importance as to require it;

(b) To authorize the President of the Republic to leave the national territory;

(c) To authorize the National Executive to order additional funding;

(d) To appoint temporary committees composed of members of the Assembly;

(e) To exercise the research functions assigned to the Assembly;

(f) To authorize the national executive to establish, modify or suspend public services in the event of proven emergency, by a two-thirds vote of its members;

(g) Other functions provided for by the Constitution and the laws.

E. The judiciary

86. The power to administer justice derives from the people and is exercised on behalf of the Republic by authority of the law. It is the responsibility of the judiciary to hear cases and matters within its jurisdiction by means of procedures established by law and to enforce or ensure the enforcement of its judgements.[36]

87. The system of justice is composed of the Supreme Court, the other courts established by law, the Public Prosecutor's Office, the Ombudsman's Office, criminal investigation bodies, court officers and officials, citizens who take part in the administration of justice in accordance with the law and lawyers authorized to practise.

Article 254 of the Constitution of Venezuela

> The judiciary is independent and the Supreme Court of Justice shall enjoy functional, financial and administrative autonomy. In the general State budget, the system of justice shall be assigned a variable annual allocation of not less than two per cent of the ordinary national budget so that it may function correctly; this allocation may not be reduced or changed without prior authorization from the National Assembly. The judiciary is not empowered to establish rates or duties or to require any payment for its services.

88. Admission to a judicial career and the promotion of judges are determined by public competitive examination to ensure the suitability and excellence of candidates, who are selected by panels from circuit courts in the form and under the conditions laid down by law. The appointment and swearing-in of judges is the responsibility of the Supreme Court. The law guarantees the participation of the people in the selection and appointment of judges. Judges may be removed or suspended from their posts only by means of procedures specifically provided for by law. The law encourages the professionalization of judges and universities cooperate in this regard by organizing the relevant judicial specialization in university law studies.

89. Under the law, judges are personally responsible for negligence, delay or unjustified omissions, for substantive failure to comply with procedural rules, for denial of justice and partiality and for the offences of bribery and perversion of justice in the performance of their duties.[37]

90. The law organizes the system of community justices of the peace. Justices of the peace are elected by universal, direct and secret ballot, in accordance with the law. The law promotes arbitration, reconciliation, mediation and any other alternative means of settling disputes.[38]

1. The Supreme Court

91. The work of the Supreme Court is carried out by its Plenary Division and by the Constitutional, Political and Administrative and Electoral Divisions and the Civil, Criminal and Social Appeals Divisions, the personnel and jurisdiction of which are specified in its organization act. The Social Appeals Division deals with appeals on agricultural, labour and juvenile matters.

(a) The requirements to be a Supreme Court judge are:

(i) To be of Venezuelan nationality by birth;

(ii) To be a citizen in recognized good standing;

(iii) To be a lawyer of recognized ability, to have a good reputation, to have practised law for a minimum of 15 years and to have completed a postgraduate course in law; or to have taught law in a university for a minimum of 15 years and to be a full professor; or to be or to have been a high-level judge in the specialization of the division to which the

application is being made, with a minimum of 15 years' practice in the judicial service and recognized expertise in the performance of his duties;

(iv) Any other requirements established by law;[39]

(b) The functions of the Supreme Court are:

(i) To exercise constitutional jurisdiction in accordance with Title VIII of the Constitution;

(ii) To declare whether or not there is a case for the prosecution of the President of the Republic or the acting President and, if so, to continue hearing the case, with the authorization of the National Assembly, until the final sentence is handed down;

(iii) To declare whether or not there is a case for the prosecution of the Vice-President of the Republic, members of the National Assembly or of the Supreme Court itself, ministers, the Attorney-General, the Public Prosecutor, the Comptroller-General of the Republic, the Ombudsman, Governors, Generals and Admirals of the national armed forces or heads of diplomatic missions and, if so, to transmit the records of the proceedings to the Public Prosecutor or the acting Public Prosecutor, as appropriate; and, in the case of an ordinary offence, to continue hearing the case until the final sentence is handed down;

(iv) To settle adjudication disputes which may arise between the Republic, a federal State, a municipality or another public body when the other party is one of these entities, except in the case of disputes between municipalities in the same state, in which case the law may assign the case to another court;

(v) To declare regulations and other general and individual administrative acts by the national executive totally or partially null and void, where appropriate;

(vi) To hear motions on the interpretation of the content and scope of legal texts, as provided for by law;

(vii) To settle conflicts of jurisdiction between courts, whether ordinary or special courts, when there is no other court at the same or a higher level in the legal hierarchy;

(viii) To hear appeals;

(ix) Other functions which may be assigned to it by law.[40]

2. The prison system

92. The State guarantees a prison system that ensures the rehabilitation of prisoners and respects their human rights. Prisons therefore have work, study, sports and recreation areas; they are run by professional prison staff with university qualifications; they are governed by a decentralized administration that is answerable to State or municipal governments and may be privatized. In general, preference is given to an open regime and to a system of prison farms. Non-custodial sentences are applied in preference to terms of imprisonment. The State establishes post-prison assistance institutions to enable former prisoners to reintegrate into society and encourages the establishment of autonomous prisons with an exclusively technical staff.[41]

F. The citizen branch

93. The citizen branch exercises its authority through the Republican Moral Council, which is composed of the Ombudsman, the Public Prosecutor and the Comptroller-General of the Republic.

94. In accordance with the Constitution and the law, citizen branch bodies are responsible for the prevention, investigation and punishment of acts contrary to public ethics and administrative morals, for ensuring good management and legality in the use of public assets, for compliance with and the implementation of the principle of legality in all State administrative activity and for the promotion of education as the creative force behind citizenship, solidarity, freedom, democracy, social responsibility and employment.[42]

1. The Ombudsman's Office

95. The Ombudsman's Office is responsible for the promotion, defence and monitoring of the rights and guarantees provided for in the Constitution and international human rights treaties and the legitimate, collective and broad interests of citizens.

96. The Ombudsman, who is appointed for a single seven-year term, is in charge of and responsible for the Ombudsman's Office. The Ombudsman must be Venezuelan and over 30 years of age, with proven and demonstrated competence in human rights matters, and he must meet the requirements of good reputation, ethics and morality provided for by law. Any misconduct by the Ombudsman will be covered in accordance with the law.[43] The Ombudsman's functions are:

(a) To ensure full respect for and guarantees of the human rights provided for in the Constitution and the international human rights treaties, conventions and agreements ratified by the Republic; and to investigate, officially or at the request of a party, complaints brought to his attention;

(b) To ensure the proper functioning of public services by supporting and protecting the rights and legitimate, collective and broad interests of individuals against arbitrary acts,

abuses of power and errors committed in providing such services, taking legal action, where necessary, to obtain compensation from the State for any loss or injury caused by the operation of the services in question;

(c) To bring actions of unconstitutionality, amparo, habeas corpus, habeas data and other actions or remedies required for the exercise of his functions;

(d) To urge the Public Prosecutor to bring such actions or remedies as may be necessary in respect of public officials responsible for any violation or impairment of human rights;

(e) To request the Republican Moral Council to adopt such measures as may be necessary in respect of public officials responsible for any violation or impairment of human rights;

(f) To request the competent body to apply the appropriate corrective measures and penalties for violations of the rights of the consumer and user public, in accordance with the law;

(g) To submit bills and other initiatives to municipal, State and national legislative bodies for the gradual protection of human rights;

(h) To ensure the rights of indigenous peoples and exercise the necessary options to guarantee and protect them effectively;

(i) To visit and inspect offices and establishments belonging to State bodies in order to protect human rights and prevent violations;

(j) To make recommendations and observations to the relevant bodies for the fuller protection of human rights; to this end, it will establish permanent machinery for communication with national and international public and private human rights bodies;

(k) To promote and implement policies for the dissemination and effective protection of human rights.[44]

2. The Public Prosecutor's Office

97. The Public Prosecutor's Office is under the direction and responsibility of the Public Prosecutor, who performs his duties with the direct assistance of such officials as the law may determine.

98. The Public Prosecutor must meet the same eligibility requirements as Supreme Court judges. The Public Prosecutor is appointed for a seven-year term.[45] The functions of the Public Prosecutor's Office are:

(a) To guarantee, in legal proceedings, respect for constitutional rights and safeguards and for the international treaties, conventions and agreements signed by the Republic;

(b) To guarantee the promptness and smooth functioning of the administration of justice, pre-trial proceedings and due process;

(c) To order and conduct criminal investigations of punishable acts in order to record any circumstances of their commission which may affect the classification and responsibility of the offenders and other participants and to secure any relevant active and passive objects related to the commission of such acts;

(d) To bring criminal actions on behalf of the State in cases in which the request of a party is not required, with such exceptions as may be provided for by law;

(e) To bring such actions as may be appropriate to implement such civil, labour, military, criminal, administrative or disciplinary responsibility as may be incurred by public officials in the performance of their duties;[46]

(f) Other functions assigned to the Office by the Constitution and the law.

3. The Office of the Comptroller-General of the Republic

99. The Office of the Comptroller-General of the Republic is the body which monitors, supervises and inspects income, expenditure, public and national property and related operations. It enjoys functional, administrative and organizational autonomy and conducts its activities on the basis of the inspection functions of the bodies and entities under its control.

100. The Office of the Comptroller-General of the Republic is under the direction and responsibility of the Comptroller-General of the Republic, who must be of Venezuelan nationality, over 30 years of age and have experience and proven ability for the post. The Comptroller-General of the Republic is appointed for a seven-year term.[47] The Office of the Comptroller-General of the Republic has the following functions:

(a) Monitoring, supervising and inspecting income, expenditure and public property and related operations, without prejudice to the powers which may be assigned to other bodies in the case of States or municipalities, in accordance with the law;

(b) Monitoring the public debt, without prejudice to the powers which may be assigned to other bodies in the case of States and municipalities, in accordance with the law;

(c) Inspecting bodies and legal persons in the public sector subject to its control; conducting inspections, arranging for investigations into irregularities in respect of public assets and ordering measures, formulating objections and imposing administrative penalties as necessary, in accordance with the law;

(d) Urging the Public Prosecutor to bring lawsuits as necessary as a result of breaches and offences against public assets of which he may be informed in the performance of his duties;

(e) Monitoring the management of and assessing compliance with and the results of decisions and public policies relating to income, expenditure and property adopted by bodies, entities and legal persons in the public sector under its control.[48]

G. The electoral branch

101. The authority of the electoral branch is exercised by the National Electoral Council as the governing body and the National Electoral Board, the Civil and Electoral Register Commission and the Political Participation and Finance Commission as subsidiary bodies which are organized and operate in accordance with the relevant organization act.

102. The functions of the electoral branch are:

(a) To formulate rules to give effect to electoral laws and remove any doubts to which they may give rise and any gaps which they may contain;

(b) To draw up its budget, which it negotiates directly with the National Assembly and administers independently;

(c) To issue guidelines on political and electoral finance and publicity and apply penalties in the event of non-compliance;

(d) To declare elections totally or partially invalid;

(e) To organize, administer, manage and monitor all acts relating to the election of representatives of the people to public posts, as well as referendums;

(f) To organize the elections of trade unions, professional associations and political organizations as provided for by law. It may also organize elections for other civil organizations at their request or by order of the Electoral Division of the Supreme Court. The corporations, entities and organizations referred to herein cover the costs of their election processes;

(g) To maintain, organize, manage and monitor the civil and electoral register;

(h) To organize the registration of political organizations and ensure that they comply with the provisions relating to them contained in the Constitution and the law; in particular, it takes decisions on applications for the establishment, renewal or abolition of political organizations and the identification of their lawful authorities and their provisional titles, colours and symbols;

(i) To monitor, regulate and investigate the funds of political organizations.

103. The bodies of the electoral branch guarantee the equality, reliability, impartiality, transparency and efficiency of elections, the entitlement to vote and proportional representation.[49]

III. GENERAL NORMATIVE FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

104. The Republic of Venezuela guarantees every person, in accordance with the principle of progressiveness and without any discrimination, the irrevocable, indivisible and interdependent enjoyment and exercise of human rights. Respect for and guarantees of these rights are mandatory for public bodies in accordance with the Constitution, the human rights treaties signed and ratified by the Republic and the laws giving effect to them.[50]

105. The enunciation of the rights and guarantees contained in this Constitution and in international human rights instruments is not to be understood as negating other rights which, being inherent in the individual, are not expressly contained therein. The absence of any law regulating these rights does not impair their exercise.[51]

106. The human rights treaties, covenants and conventions signed and ratified by Venezuela have constitutional status and take precedence in domestic law, in so far as they contain provisions on the enjoyment and exercise of such rights which are more favourable than those established by the Constitution and the laws of the Republic and are immediately and directly applicable by the courts and other public bodies.[52]

107. Any act issued in the exercise of public authority which breaches or impairs the rights guaranteed by the Constitution and the laws is null and void and public officials ordering or implementing it incur criminal, civil or administrative liability depending on the case, and may not avail themselves of the excuse of superior orders.[53]

108. All persons have access to agencies for the administration of justice in order to assert their rights and interests, even where these are collective or broad; they have the right to the effective protection of these rights and to obtain a prompt decision concerning them. The State guarantees free, accessible, impartial, appropriate, transparent, autonomous, independent, responsible, fair and speedy justice, without undue delays, formalities or unnecessary repetitions.[54]

109. Every person has the right to the protection of the courts in the enjoyment and exercise of constitutional rights and guarantees, including those inherent in the individual and not expressly provided for in the Constitution and international human rights instruments. The procedure for the constitutional action of amparo is oral, public, brief, free of charge and free of formality and the competent legal authority is empowered to re-establish immediately the legal situation impaired by means of the situation that resembles it most. Action may be taken on it at any time and the court gives it preferential treatment over any other matter.

110. An action for the judicial protection (amparo) of liberty or security may be filed by any person and the detainee is immediately placed without further delay in the custody of the court. The exercise of this right may not be affected in any way by the declaration of a state of emergency or the restriction of constitutional guarantees.[55]

111. The State is required legally to investigate and punish human rights offences committed by its authorities. Actions to punish crimes against humanity, serious human rights violations

and war crimes are not time-barred. Violations of human rights and crimes against humanity are investigated and tried by the ordinary courts. Such offences are excluded from privileges which may allow them to go unpunished, such as pardons and amnesties.[56]

112. The State has an obligation to guarantee full compensation to the victims of human rights violations and their beneficiaries, including the payment of damages. Legislative and other measures are also being taken to ensure the payment of the compensation ordered; the victims of ordinary offences are protected and efforts made to ensure that those responsible repair the damage caused.[57]

113. Every person has the right, according to the human rights treaties, covenants and conventions ratified by the Republic, to address petitions or complaints to the international bodies established for the purpose in order to request protection of his human rights.

114. In accordance with procedures established in the Constitution and the laws, the necessary measures are to be adopted to give effect to decisions by international bodies.[58]

115. In accordance with article 337 of the Constitution, the President may, in the Council of Ministers, declare a state of emergency. Circumstances of a social, economic, political, natural or ecological nature which seriously affect the security of the nation, its institutions and its people and in respect of which the powers available to deal with such events are inadequate are classified as states of emergency. In such cases, the guarantees established in the Constitution may be temporarily restricted, except those relating to the right to life, the prohibition of solitary confinement and torture, the right to due process, the right to information and other intangible human rights.

116. The decree declaring the state of emergency, which regulates the exercise of the right whose guarantee is restricted, must, within eight days of its issue, be submitted to the National Assembly or the Delegate Committee for consideration and approval and to the Constitutional Division of the Supreme Court for a decision concerning its constitutionality. The decree must comply with the requirements, principles and guarantees provided for in the International Covenant on Civil and Political Rights and in the American Convention on Human Rights. The President of the Republic may request its extension for the same period of time and it may be revoked by the National Executive or by the National Assembly or its Delegate Committee before the end of the period if the causes that gave rise to it cease to exist.

117. The declaration of a state of emergency does not interrupt the functioning of Government bodies.[59]

IV. AUTHORITIES HAVING JURISDICTION IN HUMAN RIGHTS MATTERS

A. The Supreme Court

118. The Supreme Court is competent to deal with cases of the protection of rights (amparo) and to declare laws and other administrative acts unconstitutional. Article 266, paragraphs 1, 5, 6 and 8, of the Constitution establish the functions of the Supreme Court as follows: to exercise constitutional jurisdiction in accordance with Title VIII of the Constitution; to declare totally or

partially null and void regulations and other general or individual administrative acts by the national executive, where appropriate; to hear motions concerning the interpretation of the content and scope of legal terms, as provided for by law; to hear appeals.

B. The citizen branch

119. The citizen branch has the following functions: to prevent, investigate and punish acts contrary to public and administrative ethics and morals; to ensure good management and legality in the use of public assets; to comply with and apply the principle of legality in all State administrative activity and promote education as the creative force behind citizenship, solidarity, liberty, democracy, social responsibility and employment. It exercises its authority through the Republican Moral Council, composed of the Ombudsman, the Public Prosecutor and the Comptroller-General of the Republic.

C. The Ombudsman's Office

120. The functions of the Ombudsman's Office are:

(a) To ensure full respect for and guarantees of the human rights provided for in the Constitution and the international human rights treaties, conventions and agreements ratified by the Republic, and to investigate, officially or at the request of a party, complaints brought to his attention;

(b) To ensure the proper functioning of public services by supporting and protecting the rights and legitimate, collective and broad interests of individuals against arbitrary acts, abuses of power and errors committed in providing such services, taking legal action, where necessary, to obtain compensation from the State for any loss or injury caused by the operation of the services in question;

(c) To bring actions of unconstitutionality, amparo, habeas corpus, habeas data and other actions or remedies required for the exercise of his functions;

(d) To urge the Public Prosecutor to bring such actions or remedies as may be necessary in respect of public officials responsible for any violation or impairment of human rights;

(e) To request the Republican Moral Council to adopt such measures as may be necessary in respect of public officials responsible for any violation or impairment of human rights;

(f) To request the competent body to apply the appropriate corrective measures and penalties for violations of the rights of the consumer and user public, in accordance with the law;

(g) To submit bills and other initiatives to municipal, State and national legislative bodies for the gradual protection of human rights;

(h) To ensure the rights of indigenous peoples and exercise the necessary options to guarantee and protect them effectively;

(i) To visit and inspect offices and establishments belonging to State bodies in order to protect human rights and prevent violations;

(j) To make recommendations and observations to the relevant bodies for the fuller protection of human rights; to this end, it will establish permanent machinery for communication with national and international public and private human rights bodies;

(k) To promote and implement policies for the dissemination and effective protection of human rights.

D. The Public Prosecutor's Office

121. According to article 285, paragraphs 1 and 5, of the Constitution, the functions of the Public Prosecutor's Office are: to guarantee in legal proceedings, respect for constitutional rights and safeguards and for the international treaties, conventions and agreement signed by the Republic; and to bring such actions as may be appropriate to implement such civil, labour, military, criminal, administrative or disciplinary responsibility as may be incurred by public officials in the performance of their duties.

E. The Office of the Comptroller-General of the Republic

122. According to article 289, paragraphs 3 and 4, of the Constitution, the functions of the Office of the Comptroller-General of the Republic are: to inspect bodies, institutions and legal persons in the public sector under its control; to conduct inspections, arrange for investigations into irregularities in respect of public assets and order measures, formulate objections and impose administrative penalties as necessary, in accordance with the law; to urge the Public Prosecutor to bring lawsuits as necessary as a result of breaches and offences against public assets of which it may be informed in the performance of its duties.

F. Other bodies

123. Recognizing the need for the establishment, existence and activities of national institutions for the promotion and protection of human rights - a long-standing universal concern - the Republic of Venezuela has been promoting the establishment and strengthening of institutions of various kinds, origins, aims and scope, including:

1. National Human Rights Commission

124. The National Human Rights Commission was established by Presidential Decree No. 3,152, in accordance with article 19 of the Central Government Organization Act. The decree was published in the Gaceta Oficial of the Republic of Venezuela, No. 36,616, of Thursday 7 January 1999, on the basis of the human rights agreements and commitments ratified

by Venezuela and in accordance with the responsibility of the national executive for the drafting of plans and programmes to promote and protect human rights, to monitor them and to assess their implementation.

125. The National Human Rights Commission has the following functions and duties:

(a) To assist the President of the Republic in formulating human rights policies;

(b) To collaborate with the national executive in drafting plans and programmes for the promotion and protection of human rights, to monitor them and to assess their implementation;

(c) To recommend to the national executive the implementation of measures it deems necessary for the solution of human rights problems and the fulfilment of international obligations;

(d) To contribute together with the national executive, to the preparation of studies, reports and replies for submission to international human rights bodies and non-governmental organizations and to participate in the coordination of programmes implemented with these bodies;

(e) To advise the national executive on cases submitted to the Commission and to the Inter-American Court of Human Rights;

(f) To receive and process complaints submitted on alleged human rights violations. For this purpose, it may request information and documents, formulate such recommendations as it deems relevant and refer action taken to the competent bodies;

(g) To cooperate with the Public Prosecutor's Office in promoting and protecting human rights;

(h) To submit an annual report to the President of the Republic on the human rights situation in Venezuela and make the necessary recommendations;

(i) To cooperate with the national executive in preparing and drafting human rights education programmes and to promote the inclusion of human rights subjects and specializations in undergraduate and post-graduate courses in universities and higher education institutes;

(j) To represent the country at conferences, forums, seminars and national and international meetings, when invited to do so;

(k) To appoint sub-committees and groups of experts within or outside the National Human Rights Commission for the better performance of its functions;

(l) To propose the draft budget to the national executive.

126. Venezuela's ratification of international human rights conventions makes it clear that the institutional machinery for the promotion of respect for these rights and freedoms is to be found at the highest political level, where appropriate procedures are established for ensuring their recognition and their universal and effective implementation with the participation of civil society, through teaching and education and the involvement of the necessary technical and management coordination staff.

127. The Government of Venezuela recognizes the National Human Rights Commission as the permanent government body whose role is to advise the national executive and coordinate its activity in all domestic and international human rights matters.

128. In this context, the National Human Rights Commission coordinated the formulation of the National Human Rights Plan on the occasion of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights and called on organizations of civil society to take part in the design and formulation of the Plan, which will enable policies to be implemented to guarantee the promotion, protection and dissemination of human rights and human rights education.

129. It should be mentioned that, once the Ombudsman's Office is established, the Commission's objective will be to disseminate and promote human rights and not to defend them.

2. Human Rights Unit of the International Policy Department, Ministry of Foreign Affairs

130. This Unit was established in 1994 to prepare Venezuela's position on human rights in international forums. Its functions are: to follow up decisions adopted by international bodies; to coordinate and draft Venezuela's periodic reports under the international human rights instruments the Republic has signed; to reply to requests for information from international organizations and complaints of alleged human rights violations in coordination with the Government representative to international forums; to maintain communication with national and foreign non-governmental human rights organizations; to disseminate nationally the international commitments undertaken by the Republic; and to contribute to public awareness-raising and education in order to promote respect for human rights and prevent violations.

3. Human Rights Department, Ministry of the Interior and Justice

131. This Department was reactivated in January 2000 following a period of inactivity and was allocated budget resources to achieve its objectives of promoting, defending and protecting human rights.

4. Human Rights and International Law Department, Ministry of Defence

132. This Department was established in October 1997 for the purpose of involving all military personnel in studying, learning about, disseminating and implementing human rights principles and giving advice to the Armed Forces of Venezuela on policies, doctrines and other activities relating to human rights and international humanitarian law.

5. Metropolitan Police Commissioner for Human Rights

133. This post was established in November 1995 with jurisdiction for the Federal District and the municipalities of Miranda State, which make up the Caracas metropolitan area. The Commissioner is appointed by the Governor of the Federal District for a five-year term and his functions include receiving complaints by citizens of human rights violations.

Notes

[1] Central Statistics and Information Technology Office, "National rural population by age and sex".

[2] Central Statistics and Information Technology Office, "Birth and death rates, migration and life expectancy", 1998.

[3] Idem.

[4] Central Statistics and Information Technology Office, "National rural population by age and sex".

[5] National Identification and Aliens Office (ONIDEX).

[6] General Department of the Central Coordination and Planning Office (Office of the President of the Republic), Macroeconomic Indicators, 2000.

[7] Source: Ministry of Planning and Development.

[8] Source: Central Bank of Venezuela, own calculations.

[9] Central Bank of Venezuela, Economic Statistics Board.

[10] Idem.

[11] General Department of the Central Coordination and Planning Office (Office of the President of the Republic), Macroeconomic Indicators, 2000.

[12] Central Bank of Venezuela, changes in the consumer price index, Caracas metropolitan area (per cent).

[13] General Department of the Central Planning and Coordination Office (Office of the President of the Republic), Macroeconomic Indicators, 2000.

[14] Idem.

[15] Idem.

[16] Ministry of Finance, Office of the Director-General for Public Finance, Public Debt Administration Department.

[17] Petróleos de Venezuela, S.A., Economic and Oil Indicators, 1989-1998.

[18] General Department of the Central Planning and Coordination Office (Office of the President of the Republic), Macroeconomic Indicators, 2000.

[19] Constitution of Venezuela, art. 2.

[20] Constitution of Venezuela, art. 136.

[21] Constitution of Venezuela, art. 225.

[22] Constitution of Venezuela, art. 186.

[23] Constitution of Venezuela, art. 253.

[24] Constitution of Venezuela, art. 273.

[25] Constitution of Venezuela, art. 292.

[26] Constitution of Venezuela, arts. 226 to 232.

[27] Constitution of Venezuela, art. 236.

[28] Constitution of Venezuela, art. 238.

[29] Constitution of Venezuela, art. 239.

[30] Constitution of Venezuela, art. 242.

[31] Constitution of Venezuela, arts. 244 and 245.

[32] Constitution of Venezuela, arts. 247 to 250.

[33] Constitution of Venezuela, art. 251.

[34] Constitution of Venezuela, art. 188.

[35] Constitution of Venezuela, art. 193.

[36] Constitution of Venezuela, art. 253.

[37] Constitution of Venezuela, art. 255.

[38] Constitution of Venezuela, art. 258.

[39] Constitution of Venezuela, art. 263.

[40] Constitution of Venezuela, art. 266.

[41] Constitution of Venezuela, art. 272.

[42] Constitution of Venezuela, art. 272.

[43] Constitution of Venezuela, art. 20.

[44] Constitution of Venezuela, art. 281.

[45] Constitution of Venezuela, art. 284.

[46] Constitution of Venezuela, art. 285.

[47] Constitution of Venezuela, arts. 287 and 288.

[48] Constitution of Venezuela, art. 289.

[49] Constitution of Venezuela, art. 293.

[50] Constitution of Venezuela, art. 19.

[51] Constitution of Venezuela, art. 22.

[52] Constitution of Venezuela, art. 23.

[53] Constitution of Venezuela, art. 25.

[54] Constitution of Venezuela, art. 26.

[55] Constitution of Venezuela, art. 27.

[56] Constitution of Venezuela, art. 29.

[57] Constitution of Venezuela, art. 30.

[58] Constitution of Venezuela, art. 31.

[59] Constitution of Venezuela, art. 339.